



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,554	02/03/2000	Cory Attra	03150-P0001A	7650

7590

06/21/2002

Wesley W Whitmyer Jr
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,554

Applicant(s)

ATTRA ET AL.

Examiner

Naresh Vig

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 19 and 23 - 26 are rejected under 35 USC 103(a) as being unpatentable over residential design provider Collective Designs www.collectivedesigns.com hereinafter known as CollectiveDesign in view of building supply provider ChooChoo Build-It Mart (www.choochoobuilditmart.com) hereinafter known as ChooChoo.

Regarding claims 1 – 11, CollectiveDesign discloses a system and method for providing home plans over the internet. CollectiveDesign website states that “Collective Designs features along with it's own inventory, a collection of home plans from leading architects and designers though-out the United States and Canada. Here you'll find new and exciting home designs as well as the finest selection of time-proven stock plans from across North America.” To find a home design at the CollectiveDesign website, customer submits a query with their selection criteria (access Home Plan Search web

Art Unit: 3629

page). CollectiveDesign displays the list of selected home designs that meet customer's selection criteria. Customer can select a home design from the list to get additional information on the design. In addition CollectiveDesign discloses that customers can make revisions to the design plans. CollectiveDesign states that "For a small fee you can add a room, change the exterior design, add more or less square foot, etc. If you are interested in making revisions to a particular plan just send us your modification via e-mail". CollectiveDesign discloses that that its design plans include "

- Detailed Floor Plan
- Electrical Layout
- Foundation Plan
- Exterior Elevations
- Interior Elevations
- Building Sections and Construction Details
- Some but not all - Roof Plan
- Customers may also select additional options:
 - Additional sets of plans
 - Mirror reversed
 - Study prints "

CollectiveDesign does not disclose that it will do construction for the customer. However, CollectiveDesign discloses that it provides Materials List for the plan. Their materials list "details the quantity, type and size of materials needed to build your home. (This list is helpful in acquiring an accurate construction estimate.)". In addition,

Art Unit: 3629

Collective design suggests that its customers can hire a general contractor to manage the project. "For a new home, a general contractor (GC) will usually pay off in numerous ways. The GC will plan the project, hire competent subcontractors, avoid costly errors, and save the homeowner lots of time". ChooChoo disclose a system and method to sell building material over the internet. ChooChoo offers estimates on projects. In addition ChooChoo discloses to have online quotes and orders. ChooChoo gives pricing confirmation via phone or email to their customers. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to modify CollectiveDesign to include construction service to diversify their business into building supplies, and, construction project management.

Neither CollectiveDesign nor ChooChoo disclose to prepare bankable estimate. However, ChooChoo states " <ChooChoo> offer our customers a broad selection of products, with the best service, and at competitive prices which result in savings for our customer. " Also, It is notoriously known that for a construction project customers can get the financing available from the material provider, or, get the financing from a bank. Banks may get the quotation approved from their underwriter before making the loan. Therefore, it is obvious that the quotation provided by ChooChoo is a competitive quote, and, the customer may use it to acquire financing. Therefore, it known at the time of applicant's invention to a person with ordinary skill in the art to modify CollectiveDesign as taught by ChooChoo and give competitive quotation to win the material business by enabling their customer to acquire the bank loan.

Also, neither CollectiveDesign nor ChooChoo disclose generating construction plan. However, CollectiveDesign suggest that its customer hire a general contractor to manage the project. It is notoriously know that project managers create project plans to manage the projects (Microsoft Project is one of the software that project managers can use to track resources, timeline, costs etc.). Updated project plans can be electronically provided to the responsible team members to show the current status of the project. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to use project management software in CollectiveDesign to expand their business in construction services and have the current project status readily available for the customer.

Additionally, neither CollectiveDesign nor ChooChoo disclose to have video camera at the construction. It is notoriously known that video surveillance has been in use for security reasons (for example, banks have video camera installed in their branches for surveillance). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to install video camera at the construction site to monitor progress and prevent theft.

Claims 20 – 22 are rejected under 35 USC 103(a) as being unpatentable over residential design provider Collective Designs www.collectivedesigns.com hereinafter

known as CollectiveDesign in view of a book by Glen Lowery "Managing Projects with Microsoft Project 4.0".

Regarding claims 20 – 22, CollectiveDesign discloses a system and method for providing home plans over the internet. CollectiveDesign website states that "Collective Designs features along with it's own inventory a collection of home plans from leading architects and designers though-out the United States and Canada. Here you'll find new and exciting home designs as well as the finest selection of time-proven stock plans from across North America." To find a home design at the CollectiveDesign website, customer submits a query with their selection criteria (access Home Plan Search web page). CollectiveDesign displays the list of selected home designs that meet customer's selection criteria. Customer can select a home design from the list to get additional information on the design. CollectiveDesign does not disclose creating project plans for the project, and showing dependencies between the tasks. Glen Lowery discloses that Microsoft Project can be used to keep track of project information. Project Manager (general contractor) enters list of task and available resources, and, assigns resources to the tasks in Microsoft Project to create a project plan. Tasks can be independent, or, they can be linked to create dependency (next task will begin after the completion of preceding task). Project Manager updates the project plan by updating the progress of each task. Project Manager can look at the Tracking Gantt chart to compare "current schedule to the original schedule after the project is under way and you (project manager) have entered information about progress on tasks (sample on page 23 of the

Art Unit: 3629

book, attached)". In addition, Glen Lowery says that the PERT Chart (available on Microsoft Project) show each task with the lines between them indicating the relationship between the task. "Use the PERT Chart to see the dependencies between the tasks in your project". Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to use project management software in CollectiveDesign to expand their business in construction services and have the current project status readily available for the customer (for example, when a customer gets a construction loan, banks may make the loan payments based upon the milestone).

Additionally, neither CollectiveDesign nor Gwen Lowery disclose to have video camera at the construction. It is notoriously known that video surveillance has been in use for security reasons (for example, banks have video camera installed in their branches for surveillance). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to install video camera at the construction site to monitor progress and prevent theft.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Information on residential design provider Collective Designs.
2. Information on building supply provider ChooChoo Build-It Mart.
3. Information on "Managing Projects with Microsoft Project 4.0 for Windows™ and Macintosh®", a book by Gwen Lowery.

4. Information on Project Management Basics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

June 13, 2002

Signature _____
Date _____
Page 6